

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY U.S. CLERK O.C.

05 DEC 15 PM 4:18

Marvin Ray Spears,
Plaintiff,

)

)

)

v.

)

No. 03-2961 B/P

Canadian National/Illinois
Central Railroad f/k/a
Illinois Central Railroad,
Defendant.

)

)

)

)

THOMAS H. COULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

ORDER TAXING COSTS

Defendant Canadian National/Illinois Central Railroad ("CNIC"), the prevailing party in the above-captioned action under Judgment entered August 4, 2005 in favor of Defendant CNIC, filed its Bill of Costs, pursuant to Fed. R. Civ. P. 54(d) and 28 U.S.C. §1920, on August 23, 2005 in the sum of \$962.15 seeking reimbursement from Plaintiff Marvin Ray Spears for the following itemized expenses:

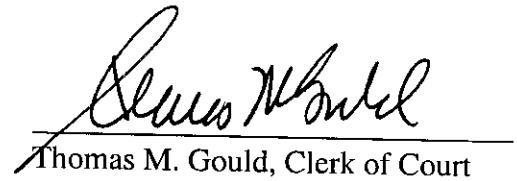
	<u>Requested</u>
1. Clerk Fees	\$ 155.00
2. Court Reporter and Transcript Expenses	538.75
3. Exemplification Fees	<u>268.40</u>
Total Costs submitted by Defendant CNIC	\$ 962.15.

The Clerk of Court, pursuant to Local Rule 54.1, provided written notice to counsel for all parties on August 25, 2005 that a hearing would be held by the Clerk of Court on October 13, 2005 at 10:30 AM at which counsel could appear and/or submit citations of law relevant to the issue of taxing costs in this matter. Plaintiff's legal counsel did not appear on the scheduled hearing date and no written objections or citations of authority were filed in opposition to awarding costs to Defendant.

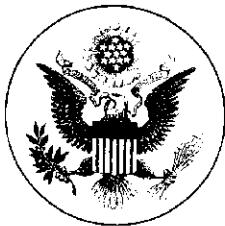
The costs itemized in the Defendant's Bill of Costs are covered under 28 U.S.C. § 1920 and seem reasonable in amount. Therefore, the Clerk of Court has determined that costs should be and are hereby taxed against Plaintiff Marvin Ray Spears and in favor of Defendant CNIC in the amount of \$962.15.

Pursuant to Local Rule 54.1, taxation of costs by the Clerk of Court may be reviewed by the Court upon motion, which must be served within five (5) days following the docketing of this Order.

Dated: December 13, 2005.



Thomas M. Gould, Clerk of Court



Notice of Distribution

This notice confirms a copy of the document docketed as number 57 in case 2:03-CV-02961 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

Marvin Ray Spears
6912 Poplar
Germantown, TN 38138

Harold W. McLeary
MCLEARY DOMICO & KYLE, PLLC
100 Peabody Place
Ste. 1250
Memphis, TN 38103

John M. Moore
KIRKPATRICK MOORE & WESTBROOK
100 N. Main Street
Ste. 2900
Memphis, TN 38103

W. Bradley Gilmer
MCLEARY DOMICO & KYLE, PLLC
100 Peabody Place
Ste. 1250
Memphis, TN 38103

Kenneth O. Cooper
MCLEARY DOMICO & KYLE, PLLC
100 Peabody Place
Ste. 1250
Memphis, TN 38103

Thomas M. Gould
U.S. DISTRICT COURT
242 Federal Bldg.
167 No. Main St.
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT